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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,537	04/30/2001	Mark E. Molander	RSW920010012US1	3398

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EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Examiner's Answer

The reply brief filed 08/02/2005 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Responsive to the reply brief under 37CFR 41.41 filed on 08/02/2005, a supplemental Examiner's Answer is set forth below:

The Applicant has correctly pointed out that claims 1-5, 7-17, and 19-26 were incorrectly rejected under 35 U.S.C. 102(e). As the Applicant stated, claims 1-5, 7-17, and 19-26 should have been rejected under 35 U.S.C. 102(a) since the Google reference is a publication.

KK The Examiner disagrees with the Applicant's assertion that "there is absolutely no publication date on ~~the~~ the Google reference"(Page 3). As stated on form 892 sent 10/06/2004, the Google reference was from 02/02/2001. The date is further shown on page 7 of the Google document submitted. The Examiner used the oldest available link on the WaybackMachine to access "http://toolbar.google.com/" which was 02/02/2001. The following is a description of the WaybackMachine from their own website,

Browse through 40 billion web pages **archived** from 1996 to a few months ago.

To start surfing the Wayback, type in the web address of a site or page where you would like to start, and press enter. Then select from the archived dates available. The resulting pages point to other archived pages at as close a date as possible.

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For further evidence, the Examiner points to the URL shown at the very top of page 1 of the Google reference. The date of the reference is imbedded within the URL (i.e. 20010202...).

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:

Jack Harvey
10/14/05